

UNITED STATES BANKRUPTCY COURT
WESTERN DISTRICT OF WISCONSIN

In re:)
)
TODD A. BARNHARDT and) Case No. 1-19-13897-cjf
STACY R. BARNHARDT,)
)
Debtors.)

PATRICK S. LAYNG,)
United States Trustee,)
Plaintiff,) Adv. No. 1-20-00053-cjf
v.)
)
TODD A. BARNHARDT and,)
STACY R. BARNHARDT,)
Defendants.)

MOTION TO DISMISS ADVERSARY PROCEEDING

NOW COMES, the Plaintiff, Patrick S. Layng, United States Trustee for the Western District of Wisconsin, by his attorney, Jennifer K. Niemeier, and alleges the following for his Motion to Dismiss Adversary Proceeding:

1. On June 26, 2020, the United States Trustee filed the Adversary Complaint in this case against Defendants Todd A. Barnhardt and Stacy R. Barnhardt pursuant to 11 U.S.C. § 727(a).
2. On November 25, 2020, the United States Trustee and Defendant Todd A. Barnhardt filed a stipulated waiver of discharge in the main case, case no. 19-13897, which was approved by the Court on November 30, 2020.
3. The denial of discharge renders the United States Trustee's Complaint as to Todd A.

Barnhardt moot.

4. The United States Trustee moves to dismiss the Adversary Complaint against both Todd A. Barnhardt and Stacy R. Barnhardt.

WHEREFORE, Plaintiff, the United States Trustee, respectfully requests that this Court dismiss this adversary proceeding and cancel the final hearing scheduled for December 9-11, 2020.

Dated: December 1, 2020

Respectfully submitted,

PATRICK S. LAYNG
United States Trustee

By: /s/ Jennifer K. Niemeier
Jennifer K. Niemeier
Trial Attorney

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CERTIFICATE OF MAILING

The undersigned hereby certifies that on December 1, 2020, a copy of the U.S. Trustee's Motion to Dismiss Adversary Proceeding were served via CM/ECF on Attorney Allison V. Shepard and via first class mail to:

Todd A. Barnhardt and
Stacy R. Barnhardt
1824 Sherwood Boulevard
Eau Claire, WI 54703

/s/ April Wentz
April Wentz
Legal Assistant